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January 15, 2008

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *CG Docket No. 02-278*

Dear Ms. Dortch:

On behalf of Matanuska Telephone Association, Inc., we are pleased to submit the attached comments in support of the Commission's pending rulemaking in the referenced docket. Recognizing that initial comments in this proceeding were due yesterday, we respectfully request that the Commission accept the attached late filed comments for consideration.

Sincerely yours,



Stefan M. Lopatkiewicz
Counsel to Matanuska Telephone Association, Inc.

Enclosure

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act)	

To: The Commissioners

**COMMENTS OF MATANUSKA TELEPHONE ASSOCIATION, INC.
IN SUPPORT OF PROPOSED RULEMAKING**

Matanuska Telephone Association, Inc. ("MTA"), by its undersigned counsel, hereby submits comments in support of the Commission's proposal to amend its Rules adopted pursuant to the Telephone Consumer Protection Act ("TCPA") to eliminate the current five-year limitation on registrations with the National Do-Not-Call Registry.¹ MTA is an incumbent local exchange carrier serving the MatSu Valley, one of the fastest growing areas of Alaska located to the north and west of metropolitan Anchorage. Its calling area covers approximately 10,000 square miles.

MTA is aware that the Commission's Do-Not-Call Registry is a highly popular service offering among its customers, and one that has been effective in helping protect the privacy interests of telephone subscribers. Given that the Do-Not-Call Registry has proven its value, MTA submits that the original decision of the Commission to sunset the effectiveness of registrations after five years would run contrary to the public interest. It, therefore, supports the Commission's proposal to amend its rules to repeal the original five-year limitation on registration on the Do-Not-Call Registry.

¹ Notice of Proposed Rulemaking, FCC 07-203, released December 4, 2007 ("*NPRM*"); 72 Fed. Reg. 71099, December 14, 2007.

DISCUSSION

In July 2003, the Commission adopted, as one means for protecting consumers against unwanted telephone calls from solicitors, a National Do-Not-Call Registry. Operated by the Commission in conjunction with the Federal Trade Commission, ("FTC"), the Registry provides consumers a one-stop option for preventing unwanted telemarketing calls by prohibiting telemarketers from contacting those residential subscribers who register their telephone numbers on the do-not-call list (unless the call falls within a specified exemption). At the time it adopted the rule implementing the Registry, the Commission established a five-year time limit on the effectiveness of registrations.² Because registrations on the Registry were accepted beginning in June 2003, the five-year limitation period currently included in the Commission's Rules will begin to affect subscribers within a matter of months.³

From MTA's perspective, the Commission's establishment and operation, with the FTC, of the Do-Not-Call Registry has been an immense success, and broadly popular among MTA's subscribers. Prior to adoption of the centralized do-not-call list at the federal level, the Regulatory Commission of Alaska ("RCA") administered for the state its "black dot" initiative, pursuant to which subscribers were permitted, without charge, to have a black dot displayed next to their name in telephone directories to indicate their election not to be contacted by unsolicited telemarketers. The response among MTA's subscribers to the "black dot" program, which was implemented by the RCA as a tariffed service, was overwhelmingly positive, and MTA further received good feedback from its

² 47 C.F.R. § 64.1200(c)(2).

³ See *NPRM*, ¶ 9.

customers that the program was serving its purpose of protecting them from uninvited solicitations.

When the federal Do-Not-Call Registry was adopted five years ago, the RCA eventually cancelled the “black dot” program as unnecessarily duplicative of the joint FCC-FTC Registry. As a result, the sunseting of the federal Do-Not-Call Registry will leave Alaska consumers without an analogous form of protection at the state level. MTA agrees with the Commission that continuation of the federal program will enhance consumer privacy interests and serve the public interest.⁴

The Commission also asked in the *NPRM* how it can effectively coordinate an extension of its Rules implementing the Do-Not-Call Registry with the FTC, which draws its regulatory authority for this program from a distinct statutory base. According to the *NPRM*, the Commission’s amendments of its Rules relative to this subject should be effective because the FTC has announced an administrative determination not to remove any residential numbers from the Registry pending Congressional action regarding whether to make the effectiveness of registration permanent.⁵

In additon, both houses of Congress recently adopted companion pieces of legislation addressing the FTC’s administration of the Do-Not-Call Registry. The first bill eliminates the expiration of registered telephone numbers on the Registry after five years and directs the FTC to reinstate on the Registry any residential numbers that have been removed.⁶ The second bill extends the FTC’s authority to charge fees to

⁴ *Id.*, ¶¶ 12-13.

⁵ *Id.*, ¶ 11.

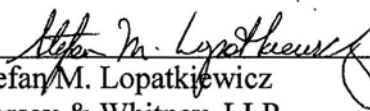
⁶ S. 2096, adopted by unanimous consent of the Senate, December 17, 2007.

telemarketers seeking to access the Registry as a means of offsetting costs to maintain it.⁷ These legislative actions both address the Commission's stated concerns with how to coordinate with the FTC the continued maintenance of the Do-Not-Call Registry, and also demonstrate the strong public support for continuance of the Registry.

In conclusion, MTA endorses and supports the Commission's proposal to make permanent the effectiveness under its Rules of the Do-Not-Call Registry, and urges that the Commission adopt this rule change before the current five-year limitation begins to affect any registered telephone numbers.

Respectfully submitted

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⁷ S. 781, also adopted by unanimous consent of the Senate, December 17, 2007. As of this writing, the Senate and House versions of these bills are reportedly awaiting reconciliation through conference.